

BINGHAM MCCUTCHEN LLP  
 DONN P. PICKETT (SBN 72257)  
 GEOFFREY M. HOWARD (SBN 157468)  
 HOLLY A. HOUSE (SBN 136045)  
 ZACHARY J. ALINDER (SBN 209009)  
 BREE HANN (SBN 215695)  
 Three Embarcadero Center  
 San Francisco, CA 94111-4067, U.S.A.  
 Telephone: 415.393.2000  
 Facsimile: 415.393.2286  
 donn.pickett@bingham.com  
 geoff.howard@bingham.com  
 holly.house@bingham.com  
 zachary.alinder@bingham.com  
 bree.hann@bingham.com

DORIAN DALEY (SBN 129049)  
 JENNIFER GLOSS (SBN 154227)  
 500 Oracle Parkway, M/S 5op7  
 Redwood City, CA 94070  
 Telephone: 650.506.4846  
 Facsimile: 650.506.7144  
 dorian.daley@oracle.com  
 jennifer.gloss@oracle.com

Attorneys for Plaintiffs  
 Oracle USA, Inc., Oracle International  
 Corporation, Oracle EMEA Limited, and  
 Siebel Systems, Inc.

JONES DAY  
 ROBERT A. MITTELSTAEDT (SBN 060359)  
 JASON McDONELL (SBN 115084)  
 ELAINE WALLACE (SBN 197882)  
 555 California Street, 26<sup>th</sup> Floor  
 San Francisco, CA 94104  
 Telephone: (415) 626-3939  
 Facsimile: (415) 875-5700  
 ramittelstaedt@jonesday.com  
 jmcdonell@jonesday.com  
 ewallace@jonesday.com

JONES DAY  
 THARAN GREGORY LANIER (SBN 138784)  
 JANE L. FROYD (SBN 220776)  
 1755 Embarcadero Road  
 Palo Alto, CA 94303  
 Telephone: (650) 739-3939  
 Facsimile: (650) 739-3900  
 tglanier@jonesday.com  
 jfroyd@jonesday.com

JONES DAY  
 SCOTT W. COWAN (Admitted *Pro Hac Vice*)  
 JOSHUA L. FUCHS (Admitted *Pro Hac Vice*)  
 717 Texas, Suite 3300  
 Houston, TX 77002  
 Telephone: (832) 239-3939  
 Facsimile: (832) 239-3600  
 swcowan@jonesday.com  
 jlfuchs@jonesday.com

Attorneys for Defendants  
 SAP AG, SAP America, Inc., and  
 TomorrowNow, Inc.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

ORACLE USA, INC., *et al.*,  
 Plaintiffs,  
 v.  
 SAP AG, *et al.*,  
 Defendants.

No. 07-CV-01658 PJH (EDL)

**JOINT STATUS REPORT RE  
 JANUARY 26, 2010 HEARING RE  
 PLAINTIFFS' MOTION TO  
 COMPEL AND TO MODIFY  
 PROTECTIVE ORDER**

1           As the Court ordered at the January 26, 2010 hearing on the Parties' motions to  
2 compel, the Parties have met and conferred regarding Defendants' supplemental responses to  
3 Oracle's Requests for Admission ("Requests") that were the subject of Oracle's motion – three  
4 times telephonically and also by exchange of letters. The Parties submit this status report of  
5 those discussions, as ordered by the Court.

6           The Parties have made progress on some issues, and Defendants have agreed to  
7 provide Oracle with sample intended response language for a number of open items by Monday,  
8 February 8 which may resolve some of the existing open issues. However, as of now, the Parties  
9 still have some fundamental disagreements about the effect of the Court's guidance provided at  
10 the hearing. Accordingly, the Parties jointly seek leave from the Court to submit, next week,  
11 either a joint letter setting forth the Parties' respective positions, or expedited briefs, according to  
12 the Court's preference, and based on the transcript of the hearing. Both Parties prefer that the  
13 Court decide any remaining disputes as soon as reasonably possible so that Defendants can  
14 complete and serve their supplemental responses, and in order to minimize the possibility of  
15 further motion practice subsequent to those supplemental responses. The Parties are available  
16 for a call with the Court, if desired, to discuss the logistics of any submission.

1  
2 DATED: February 5, 2010

BINGHAM McCUTCHEN LLP

3 By: \_\_\_\_\_/s/

4 Geoffrey M. Howard  
5 Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle International  
Corporation, and Oracle EMEA, Ltd.

6  
7 In accordance with General Order No. 45, Rule X, the above signatory attests that  
8 concurrence in the filing of this document has been obtained from the signatory below.

9  
10 DATED: February 5, 2010

JONES DAY

11 By: \_\_\_\_\_/s/

12 Scott W. Cowan  
13 Attorneys for Defendants  
SAP AG, SAP America, Inc.,  
14 and TomorrowNow, Inc.